STRIKERS' EYES ON WEDNESDAY.

Will Know Then Whether it is the Same or Higher Wages.

SHERIFF HOWELLS TALKS.

Accounts His Position and Bealing With the Company and Men-Has Been Exceedingly Fair.

The smelter strike situation has developed nothing new and inquiry among those concerned today resulted in the information being given out that nothing was expected until Wednesday, though it is very possible that definite word regarding the demand of the strikers for an increase of wages may be forthcoming by tomorrow.

In the meantime work is going on at the smelter, day and night, the same as before the difficulty arose. In fact the men seem to be on their best behavior and if there are misgivings as to the answer the company will make to their answer the company will make to their request they are succeeding admirably in keeping them from view. It is thought that the strikers' committee will wait upon Manager Jones in this city tomorrow though they may not do so until the day after, which is the date fixed for the answer to be given the successful of the s them. Superintendent Tucker was in Salt Lake today consulting with Manager Jones on that matter leaving the smelter and the men in charge of Assistant Superintendent Austin.

SHERIFF HOWELLS' ATTITUDE. Sheriff John Howells of Salt Lake county appears to have become the vic-tim of a widespread misconception besides receiving considerable criticism from some of the strikers and other lafrom some of the strikers and other la-boring men. The fact is, Sheriff How-ells approached the situation with much more than ordinary caution, realizing full well the delicacy of a proposition such as confronted the men, the com-pany, and himself and deputies. His effort at the first outbreak of the trouble and his desire now, he solemnly declares, are for the best good of all concerned and a careful investigation of the facts bears out that declaration to the letter. Sheriff Howells, with due deliberation, recounted his position to

the "News" today, stating: BEGINNING OF THE STRIKE.

"On the afternoon of the strike I was out of the city on official business and did not learn of it until my return that night. On inquiry I ascertained that

night. On inquiry I ascertained that Mr. Montgomery, my chief deputy, had dispatched three of my men to the scene of the trouble. They were deputies Cummock, Dyer and Dowse. One other, Mr. Goldman, was already there. "On the morning following," continued Sheriff Howells, "I also drove down to Murray, arriving there at an early hour for the purpose of being present at the time the 7 o'clock shift went on duty. I soon discovered that there had been a quiet night and that went on duty. I soon discovered that there had been a quiet night and that really no trouble of any kind had occurred whatever. I have talked with my men in great detail and have heavened beyond question of doubt that the value of the justice of their demand. there was no gun play at all; and just why such a story started is difficult to tell. The statement that my deputies were armed with rifles is also equally untrue. They simply had their usual equipment of a revolver and a pair of handcuffs each. These they are required to carry at all times. It was understood that even these were not to be exhibited to the men unless occasion

made it absolutely necessary. FOUR MEN INTOXICATED.

'All there was of the trouble was at the time the night shift went on four men among the strikers were no trouble with them. Deputy Cum-mock took one of them by the arm and go home and sober up, which he promised to do. Deputy Dyer took the second man and Deputy Dowse the third man and gave these similar ad-monitions. Each of them went without objection. The fourth man departed of his own volition, and the shift went work, and in the course of a short time affairs settled down to as nearly a normal condition as could be expected

der the circumstances.
"As already stated, I was on the ground at an early hour the following morning, and with Deputy Dyer went to the residence of Superintendent Tucker, and together the three of us started for the smelter. On the way over I suggested that the men be leniently dealt with, and that every con-sideration be given them by the company while the controversy was on. Without desiring to influence Mr. Tucker in any way but merely expressing a fact. I noted the great increase that there had been in the cost of all articles of living during the last year or two and then left the matter entirely to his This statement Superintendent Tucker will readily corrobor-

HELD OUT NO FALSE HOPES.

"Mr. Tucker stated that he had no discretion in the matter; that the question of a raise of wages as to whether there would be one or not, that would lie entirely with the governing board in the east. Mr. Tucker stated further that it would require from five to eigh days to communicate with them and receive a definite reply. He said that he had held his present position as superintendent for from five to seven years, and that never before had he had trouble with the men. He realized their condition fully, but said he did not desire to hold out any false hopes

HOWELLS IS AN ARBITER. "By this time the men were gathering about ready for work, some with bas-kets and others with dinner pails in their hands. They assembled in groups and discussed the situation among themselves, and in a very few moments I went up and accosted them and on being introduced, and making inquiry as to the real status of affairs, I suggested to them the appointment of a committee to wait upon Superintendent Tucker in his office and see what could them to agree in the meantime to re turn to work until some kind of a de-cision could be arrived at. This they ngreed to do, Young Olsen, their leader among them. There were only five who raised objections to this understand-ing. They not only objected but demanded that the strike continue there and then, and that all of the men who worked the night before be discharged

SEE THEM IN H-- FIRST. "Superintendent Tucker, in consider

ing their demands, very quickly de clared that they were unreasonable and that he would see them in h-

These men continued to air their grievances and attempted to stir up trouble. I then had some further talk with the men, all of a pacific character, and in the direction of cautioning them to be careful that they transgressed no rule or broke no law until a settlement of the question came, telling them at the same time that so far as possible

I, as sheriff of Salt Lake county, we protest their rights as well as whits of the company.

"When I asked Superintendent To if he would take the men backork pending a consideration of ands for one week, he replied of that he would-all but the attening and disgruntled ones gave no inclination to concede any at all and who seemed intent or ipitating trouble. I promptly informers five men that they must gelting the other men to riot, and, as trespassers and placed under This bad the desired effect. The

contents departed, the gang bosses called and all escorted their MEN TO WORK

as the work now continues pending recoint of a decision which I am tain will be given on Wednesday. I that is all there is to it. I do not lieve that sensible men or women take any exception to my course. WI did I did under the belief the was acting right and that I will dong as the trouble continues and long as I am sheriff of this county, sidering the position and claims of sidering the position and claims concerned. If there is any fault ing or criticism for that sort of ti I will round up my shoulders and it and meet all my opponents in open field or fair play."

THE MEN AND THE TRUST The Situation Discussed by the Lo-

cal Paper at Murray. Nothing but confusion comes out of a lisorganized crowd of poor men running up against the pricks of a heart less trust. This has been the story strikes and labor union engineering ver the States repeated over and again in every labor struggle. There cities and towns in Nevada, Idaho, say nothing of the great East, that smouldering away under the blight effects of strikes and with but ew exceptions strikes result in g to no one. Capitalists come toget and agree but laborers never do. Wo and agree out laborers never do. Wor argmen are the hardest element to a logether and be agreed for twenty-for hours on concert of action in any pa-dicular. They get confused and disagect union gives their employers vantage every time when a spasme

It is a hard thing to sit in judgment on the rights of men and be just—
act and equally just. There are t
sides, however, to every question,
the first place, there can be no questi
but what the men are justly entiti to more pay for the work and the kind of work they do. Not only the men and their sympathizers think so but the remen, superintendent and manage ment all agree so.

method of going at it and to the people asking the increase. It was said that if some of the older men had made advance instead of the younger of they would have received more recogn

The whole thing was a wonderful piece of nerve. The men no doubt felt they had grievances and that they were only put in the waste basket. On Tuesday the tappers on the day shift, just as the 3 o'clock shift was coming on sent a committee of three who asket. on, sent a committee of three who ask the superintendent for an increase 35 cents all round. Hardly anybo-knew of the movement except the to pres but when the committee's deman were given no consideration the enti-force to a man laid down the work an walked out. Everybody was taken his feet by storm and no one want thought of the justice of their demand instantaneously moved on. The was no rlot or cause for any alarm There was no need of calling for arm allts right in asking for prote don and this act need not necessarily be construed as an indication of dan-

Wednesday morning about 60 of th strikers went back to work on the promise of Superintendent Tucker that e would give them an answer to the demands on April 10th. He desir this time in which to communicate wit the operating committee of the smelt trust at Denver, which alone has power to make a general increase at the Ger The men are waiting upon the They declare that unless the trust agrees to advance their wages ne will ouit, which will cause the plant

The services of the State board of arbitration and conciliation have been offered each side in the case, but will hardly be accepted.—Murray Eagle.

OSCAR J. GUTKE BANKRUPT Ogden Citizen Fails - Liabilites \$88620 -Assets \$65.

Oscar J. Gutke, a railway brakeman living at Ogden, today filed a petition in voluntary bankruptcy in the United States court. His debts are scheduled at \$886.20 all unsecured, and his assets amount to \$65 worth of household goods, thich are all claimed to be exempt. His creditors are:

J. Lindquist, Ogden \$218,20 Brixen, Salt Lake...... 165/00 Fernlund, Ogden 207/00 H. Parry, Ogden J. Burt and Brothers, Ogden... H. Carr. Ogden. Carr. Ogden McGinley & Co.....

A. Stratford & Sons' Co...... The petitioner has an insurance policy amounting to \$2,000, in the Order Iowa, payable to his wife, but policy has no cash surrender value.

M'KNIGHT IMPROVING. Mrs. Mary A. McKnight, of this city mother of James McKnight, the ma empt at killing in eastern Utah a fe days ago, is in receipt of a telegram announcing that the injured man is improving, but that he is still in a serious condition.

CRUSHED BY A BOULDER.

Yesterday a miner named Joseph Tietgren was injured at the mines nea Summit. He was engaged in serting or when a large boulder fell, pinning hir against the side of the tunnel. It was some time before he was extricated his companions. He was brought to the Keogh-Bosmer hospital, where he progressing nicely and will be out in a few days, there being no bones broken.

The Blood at this season craves and

Hoods Sarsaparilla
Never Disappoints

Peterson, Iowa.

evelcomes the purifying and evitalize properties of Hood's Sarsaparilla. T

grand medicine wonderfully cures Scrula, Salt Rheum, Blood Poison

Boils, Pimples and all other complet

caused or promoted by impure blook.

JOHN BECK'S LIFE REED SMOOT INSURANCE POLICY

tled to His Commission in Full.

Decision in Case of Reed vs Union Central Company-Lower Court is Affirmed.

The Supreme Court handed down an vs the Union Central Life Insurance ompany, of Cincinnati, appellant af-In December, 1896, the plaintiff to this ction became the agent of the defendant under a written contract, whereby he was to canvass for insurance for the defendant, and was to receive as com-pensation for his services a commission ipon the premiums "which shall be paid n cash to, and received by the company on all policies of insurance effected with the company by or through the recurrement of the plaintiff." While acting under this contract Reed procured an application from John Beck for in-surance upon his life in the sum of \$100... 000,000, and a policy was issued upon this application to Mr. Beck. The policy was dated August 2, 1897, and re-mained in force to November 13, 1897.

officers of the company received in-formation that led them to beformation that led them to believe that the risk was not a
good one. Becoming apprehensive of these reports the company sent Alian Waters, its western
agent to Salt Lake to investigate and sease and insisted that a re-examinaon was necessary. Mr. Beck refused submit to another examination, when egotiations for the surrender of the olicy and cancellation of the unpaid cy and cancellation of the unpaid entitive committee of the B. Y. Acades were commenced, terminating by Beck agreeing to accept \$500 and surrender of the policy to the company of the company of the policy to the company of the B. Y. Academy, in which position he has given the full benefit of his untiring zeal and sound judgment. the surrender of the policy to the com-pany for cancellation, and the company

The plaintiff then brought suit to re-over his commissions in full amounting a all to \$1,851, \$200 of which only had

gotiations, but offered no objection to gotiations, but offered no objection to the surrender of the policy and notes. At the trial he testified that he did not know that he had any right to his in the presidentcy of the Utah Stake.

Apostle Smoot is of modest demean and is reductant in speaking of himse had consulted his attorneys, Dey & and is reluctant in epeaking of himself, Street, He never waived his right to or the honors that have come upon Street. He never waived his right to the commission, he said, and felt he was entitled to it. The reason he said nothing to his company about it was because Waters told him before leaving Salt Lake that it was hard on him (Reed) and that he (Waters) would fested in the future. take the matter up with the company and see what he could get it to do. After this the company wrote Reed stating it would not charge him the \$100 previousy advanced to him, and per cent additional \$100 and per cent additional commission for

Waters testified that he obtained the surrender of the policy because he was convinced upon investigation that the risk was undesirable; that Beck was sued. moral hazard which his company did n the defendant company's employ nine the motion to quash service of summonths after the Beck transaction, mons heretofore admitted was denied and did business on a sixty per cent commission basis, instead of fifty per cent. The case was tried before Judge Cherry and a jury last November, the latter, acting under the instructions of for \$1,903.81. The derenant assigning error in the admission of testimony and in the charge to the jury which to plead or make answer. and rulings of the court.

The first question considered by the Supreme court is whether the defend-ant company, after going so far as it next. did could lawfully purchase the policy from Mr. Beck and surrender the notes, without proof of fraud, and thus de-prive Reed of his commission. Havprive Reed of his commission. Having accepted the Beck notes, a legal obligation as between the defendant and plaintiff, the court finds, rested upon the defendant to collect the notes when the ustendant to collect the notes when they became due, and pay the agreed commssion. "This obligation," says the court, cannot be avoided under the contract by the claim that the company afterwards learned that the company tract by the claim that the company afterwards learned that the risk was undesirable or that it understood that Beck had been refused insurance in another company. It might forfeit the policy for fraud in procuring it, for misstatements in the application, or for nonpayment of the notes, but this course was not attempted. On the contrary, the company recognized the bind ing force and legality of the policy by tor here yesterday, paying \$500 in cash and surrendering the notes not yet due in order to purchase Beck's rights therein and relieve itself the Knutsford yesterday.

from Hability. The matter of Mr. Beck's alleged insolvency the court finds was properly rejected by the trial court, it being a The opinion was delivered by Justice Chief Justice Bartch dissented.

Another Unhappy Couple.

Emma Edmunds filed a divorce suit gainst J. M. Edmunds in the Third istrict court today, alleging that the parriage took place in this city on eptember 4, 1876, and that in the year 1883, the defendant deserted plaintiff and has since failed to contribute towards upport. There are no children, C Deihl is plaintiff's attorney,

Case is Argued. This afternoon arguments were being nade before Judge Relapp in the case of Utah Title Insurance & Trust com-pany, administrator of the estate of B. Milner, The suit is to recover on shares of the stock of the Tus-\$40,000, its alleged value.

No Appetite-"I could eat no break-

fast and scarcely anything during the day. Since taking Hood's Sarsaparilla teristics peculiar to Hood's Sarsa-

I am hungry all the time. Hood's has parilla, the great blood purifier. A

cured my pimples, and improved my single bottle contains 100 doses and general health." Gertrude Stoddard, mill last a month subtle others are re-

LETTER FROM MAJOR STANTON AN APOSTLE.

Agent Who Procured Him Enti- Son of Abraham O. Smoot is Honored Army Paymaster Relates Some Very Interesting Experiences. With the Exalted Position.

SUPREME COURT SO DECIDES MORE SURPRISED THAN ANY MEETS WITH CANNIBALS.

Very Hungry He Could Not Re-

gale on Young Dogs.

The following very interesting letter

from the hand of Major Charles E.

stanton ,one of Salt Lake's most popu-

lar citizens. The letter is to an old

friend, under date of February 17th, and

relates some very amusing experiences

that befell the author while traveling

over the Philippines paying off the sol-

'It has been just a month since

wrote to you-far and away the hard

est one we have had in the service-

and I never knew it was possible to do

so much in a given time. I paid in

January 102 pay rolls aggregating \$292,-

00, about \$40,000 more than any man

ever paid here in one month, so you can understand we are not loafing any

"The troops here are so scattered, that we travel for a month without a break, going on foot, with a full team, horseback or ambulance, sleeping out o' nights, eating when we get a chance,

etc. It's a great experience, but a man who wants more of it than we are getting must have bristles on him.

"As we pay bi-monthly, we go out again next month, and it bids fair to

be harder work than in January. Two paymasters, who started out on Janu-ary 2nd, one for the northern part of Luzon, the other to the southern is-

ot even heard from them, except in-

DOGS A FAVORITE DIET.

In my last letter I think I told you

anging around in the rafters of their wellings and are cannibals. Their fa

ite diet is a young or puppy dog i they carry them over the moun

ins in baskets so that they won't be

We tried to get some eggs from

They wear nothing but a G string, though they live from 7,000 to 8,000 t above sea level and it is so cold

ur breath steams in the morning. eir weapons are an axe carried in s G string or bela and a wicked look-

through a target—the size of a playing card at ninety feet.

by themselves, called "clackers," and they use nothing else. Their pipe bowls

are made of brass, gold and sliver, and they have plenty of it. They make brass by fusing copper and lead. The chief of the tribe has a service of gold to eat on, as we were told by a local mag-

COPPER AND GOLD PLENTIFUL

"Copper and gold must be very eas;

of access, for they have any quantity of it, and no tools but axes that I saw to work with. They are a hard lot, these

igorrotes, and all people are enemies and look alike to them, so if we even

any mining, we'll have to exter-

'All the people here unite in saying

that Mindanao is the richest island of

latter, there is enough on Luzon to make thousands of people rich.

and that is only forty miles from Man-

the mountains are splendid pine for

are hundreds of miles of virgin fores

and planes of the world for a century I saw in Cebu a table top of one piece

of wood seventy-eight inches in dia-meter and flooring boards three feet wide, all hewed out by hand and they polish like ebony. The steps and some floors in the Hotel Oriente here are

AN AMUSING MULETEER.

"Although we work like dogs, we occasionally get a side light on life that is very amusing. I met an army mule driver on Cebu island that was a

ing the river bed we came to a place where the water had swalled to one

side, and got stuck in a bad mud hole. He gave me the lines, jumped down in

mud and water to his waist, swore little at getting wet and then went around to see if everything was intact,

sight better! You've been in lots of worse places than this and always got

out and you can leave this one behind, too, if you want to! Now, you use good

went over backwards and nearly broke

my neck, but we were O. K.
"I commended him on his manage-ment and he said: 'Oh, that ain't nuth-

in', major. Ye see you've got to always argue with a mule. If you know some-

thin' and he don't, you've got to con-vince him if it takes a pick handle. But if he knows somethin' and he knows you don't know it, all hell won't move him."

planks of rose wood two feet wide.

In the extreme north away up in

Their money is a copper coin made

A chief threw the latter

them and by gestures made out we were very hungry. They consulted awhilt and brought in a fine woolly pup and were greatly astonished when

wouldn't take him

diers. The letter is as follows:

Didn't Fancy Their Diet - Although The Appointment Not Looked For, but Meets With General and Genuine Approval.

Reed Smoot of Provo was yesterday pinion today in the case of W. J. Reed exalted to the position of an Apostle in the Church of Jesus Christ of Latterday Saints, his ordination filling the vacancy in the council of Apostles occasioned by the death of President Franklin D. Richards.

The distinction that has come to Mr. Smoot came as a surprise to the people generally, and to use his own terms as a greater surprise to himself than anyone else. Those who know the new Apostle have no hesitancy in endorsing the appointment, and felicitations have been showered upon him continuously since yesterday afternoon.

Apostle Reed Smoot was born in Salt Lake City on January 10, 1862 in the Twentieth ward. He is the son on the site of James Sharp's residence

The first annual premium was \$5,702.
Utah Stake, and who was the second mayor of Salt Lake. The family moved to Provo in 1872, where Reed grew up and has lived ever since. In 1880 he graduated from the Erigham Young Academy, after which he envise a gree of 18. of the late Abraham Smoot, once president of Utah Stake, and who was de January 19, 1898.

After the policy had been issued the Moore of the company received in
gaged in business. At the age of 18, 1880 he graduated from the policy had been issued the gaged in business. At the age of 18, 1880 he graduated from the province of the Provi agent, to Salt Lake to investigate and report whether or not the risk was a desirable one. Mr. Waters learned that the business enterprises of his native Beck was suffering from Bright's town seemed almost indispensable, as he is president of the Provo Commer-cial & Savings bank, and vice president father's death he was placed on the ex-

of the Zulu island people, the Moros, and since then I have met one of the northern tribes, the Igorrotes, who are head hunters. They are big and black, or rather bronze color, wear human teeth of dead enemies plaited in their hair, have from two to a dozen heads Apostle Smoot married Miss Alpha May Eldredge, daughter of the late Horace S. Eldredge, in 1884, and they have five bright children, two sons and three daughters, as the fruit of their

He has always been a consciencious Reed took no active part in these ne-otiations, but offered no objection to was recognized when in 1895, the year of his father's death, he was placed him. He has met with unabated success in the business world ever since he launched out to win his bread, and in the affairs of the Church, no doubt his judgment and sagacity will be mani-

FEDERAL COURT.

In the case of William C. Weaver, receiver of the Bear River Irrigation and Ogden Water Works company vs The Bear River Water company, the defendant today filed an answer to the alternative writ of mandate and the affidavit upon which the writ was issued.

In the Bear River Water company, the nate, who saw when General Weyler went up the to call on the chief. This local magnate offered nuggets and dust at \$10 per ounce, and it could have been had at \$6 I think.

In the case of Utah Canning company against the Pacific Sheet Metal Works, The defendant was given ten days in which to file answer.

The petition of Wm. Keyting for latter, acting under the instructions of the court, finding in favor of plaintiff for \$1,903.81. The defendant appealed, assigning error in the admission of tes-was given until the May rule day in The mandamus case against Ogden

querranamannamanamana HOTEL AND PERSONAL.

government Walker-H. H. Jacobs, E. R. Murdock,

C. C. Garrett of Spokane was a visi-

E. H. Callister has returned from Wyoming after an absence of a month.

H.P. Spencer, a business man of Denefense that should have been plead, ver, stopped at the Knutsford last night. urt finds no reversible error and af- J. S. Cameron, president of the Rapid

Transit company, has returned from the

C. E. Wantland, representing the Union Pacific land department, is in town. He came from Denver this time,

State Sensior A. O. Smoot says that Provo will soon produce by water pow-er enough electricity to supply the en-

Cullen-P. H. Gallagher, San Francisco: Mrs. Francis Jensen, Mount Pleas-ant; S. T. King, East St. Louis; J. W. Baldwin, Glenwood Springs,

Kenyon-Wm. H. Taylor and wife, Denver; J. B. Sharpe, New York; J. D. Holther, Ogden; Horace Mish, San Franisco; J. B. Bailey, Telluride, Colora-

White J. K. Baird, wife and family, Heber: R. G. Cash, Seattlet B. F. Luke and wife, Orangeville; Sam Pollock San Francisco; William Curvine, Mer-cur; Mrs. J. J. Steiner, Panguitch.

Economy and strength are charac-

will last a month, while others aver-

age to last but a week or fortnight.

Hood's Sarsaparilla has an unequalled

record of perfect and permanent cures.

SMALL DOSES

LARGE RESULTS

CLEARING HOUSE REPORT,

April, 9, 1900.

ORE AND BULLION REPORTS. McCORNICK & CO.

RAMGERGER & McMILLLAN. Bullion 1,200

A Shoe Full of Good Things.

OOD wear, good style, good fit, and a good thing after you get into it. You pair of our shoes after you've examined them and after you've heard some of the good things our many customers have said about them. Boys' shoes, too, \$1.25 up, and Ladies' shoes.

ROBINSON BROS'. CO.,

Demurrer to J. Gordon McPherson's Complaint Sustained by Judge Cherry.

Ed. McCarrick. The \$5,000 damage suit of J. Gordon

Cherry on Saturday afternoon upon demurrer which the court sustained. requisite number of jurors had been ting on the jury because of his color. Judge Hiles excused McPherson, when Judge Powers objected to McCarrick and he too got let out from the panel. At the conclusion of the trial Mc-

being on the jury.

The demurrer was on the ground that
the complaint did not state facts suffent to constitute a cause of action ustaining the demurrer Judge Cherry action was by the judge, who had the right to exclude any juror from the

MONEY NOT DEPOSITED. Supreme Court Decision in a Mount

In an opinion handed down this after-acon in the case of J. W. Tripler, agent as the Mount Pleasant Commercial and Savings bank, the supreme court af-firmed the judgment of the trial court. This was an action to recover \$2,900 dleged to have been deposited by plaintiff in defendant's bank. In the court below plaintiff was non-suited, when defendant appealed. The supreme defendant appealed. The supreme court finds from the evidence that no uch deposit was ever made, and that laintiff was not the real party in the lleged deposit. It is further held that vas made good by the bank and vertain letters were written, did not con-sider the defendant in any way liable out the idea of holding it was an after

court room today trying the case of Henry Shields and W. I. Snyder vs the Ajax Mining company.

This action is to recover, on five causes of action, the sum of \$5,000, aleged to be due for moneys advanced Attorney Rogers appeared for plain-tiffs and Judge King for the defendant

Alleged Pickpockets Go Free.

M. H. Curley and Charles George Scott, the men charged with attempting to pick the pocket of Joseph Hickey in this city last January, were given a trial before Judge Norrell and a jury today and upon motion of the State, after the evidence was all in, a verdict of roll willy was returned and the def not wullty was returned and the de-

prosecution, stated that the evidence was too filmsey to warrant his asking for a conviction. The men were defended by Attorney J. M. Hamilton.

AMUSEMENTS.

commences and The Theater will be closed tonight, but the Grand will open a three-nights engagement with "Knobs o' Tennessee," a thrilling mountain play with a strong

before, except that Mr. Andrew Peter-son, the Deadeye, was replaced by Mr filled the role very creditably. The final performance will be given tonight, and Conference friends will find it will be

The advance sale for Paderewski opened at the Theater this morning. sense, and when I give a yell, you move! D'you hear me?"

"He walked around the wagon, petted each one of them a little, and then standing on one side, gave a yell that reminded me of home. The mules went up on dry ground so suddenly that I went over backwards and nearly broke Though the storm prevented any great of applications filled. Henry Peery se-cured the choice of the stalls at \$4 per seat, and generally the demands were limited to the higher priced parts of the house. The sale will be continued every day between this and the date of the performance, on the 21st.

> BANKRUPTCY NOTES. The case of Nathaniel V. Jones, bankrupt, was today closed by Referee Bald-win, and referred back to the United

JUDGE TIMMONY'S COURT. monument of the second

The city was enriched today in the Afee was called, and Pat failed to an-

"Don't come back again, then," said the court. "You may go."

A moment as you pass : our Show Window and look at our specimens of DINING ROOM

Bamberger Coal Co

Officially Annon ced.

The Atchison, Topeka & Santa Pe

assenger trains will be run be

Fire! Fire! Water! Water!

Twenty thousand dollars' worth

eled bargains. Sale began at 16 a.

TO CURE A COLD IN ONE DAY

Take Laxative Bromo Quinine Table

druggists relund the money

ADDITIONAL OGDEN TRAIN

THE LATEST BOOK

non's Book Store, 11-12 Main St., as get a copy. Price 50 cents.

Beecham's Pills for stomach and live

falls to cure. Il. W. is on each box. 25c

E. M. FRIEDMAN & CO

FURNITURE. W eHave the Largest Variety of

SIDEBOARDS, DINING TABLES, DINING CHAIRS

IN THE STATE.

Of all styles and patterns. Our prices are placed at the very lowest notch.

H. Dinwoodey Furniture Co.

If You Lose Your Weigh, Try Ours.

I was sick, only one drink, judge, only one." Such was the plea of Chas. Carter who has appeared on the linoleum so many times.
"It will be \$10 or ten days at hard abor," was the court's order.

C. M. Jackman, who imbibed a large quantity of intoxicants yesterday and endeavored to impress people with his ideas of theology by means of uppercuts and swings, was charged with as-sault and battery. Jackman claimed that he hit no one until he was as-

ing on the streets yesterday, declaring that he was the Savier and whoever Jackman then began striking people right and left because they did not believe. The defendant stated to the court that he was "undoubtedly intox-icated yesterday." The court thought so, too, and fined him \$10.

The charge of vagrancy was read to John Redmon. "I am guilty," said John, "but I would like an opportunity o leave. I only got out Saturday af-er serving 40 days."

"Me shoes is bad, look at 'em," walled Redmon, as he turned his toes up to the court. Just then Jaller Kimball spoke up and volunteered to help Redmon out by donating a pair of shoes. Sentence was suspended.

APPEALS FROM JUSTICES.

Held That Decision of District Court is Not Always Final.

Chief Justice Bartch Dissents and Holds that Under Constitution Supreme Court Lacks Authority.

cause directed against Henry H.

Rolapp, judge of the Second district

court and A. J. Anderson, was denied

The questions involved in this case

were: Has the Supreme Court Jurisdic-

ion to review by writ of certiorari the

pealed from the justices of the peace, when the former courts have exceeded their jurisdiction in such cases? And,

and the district court in the case at law exceed its jurisdiction by overruling

the motion to dismiss the appeal, and in

The Supreme Court holds that it may

by certiorari review the decisions and judgments rendered by district courts

urisdiction in the trial of the case of

Chief Justice Bartch dissents and colds that the writ in the case should

have been quashed on the ground that the Supreme Court, under section 9, article 8, of the State Constitution

acks authority to review either by certiorari or appeal, a decision of i listrict court, rendered in any case ap

pealed to that court from a justice of the peace. Chief Justice Bartch further contends that such has been the uni-form holding of the Supreme Court since the adoption of the Constitution.

L. E. SHAW ARRAIGNED.

Pleads Not Guilty to the Charge of

Obtaining Money Fraudulently.

L. E. Shaw was arraigned before

Judge Timmony this afternoon on the

charge of embezzling \$35 from a man

named Pearce. Shaw pleaded not

guilty but admitted that Pearce gave

him the money to give to his (Pearce's)

brother. "I took the money to his brother but did not give it to him. I was told that if I would recover the money I would not be prosecuted." In

order to give the defendant time to

make his arrangements the case was set for hearing next Monday. In de-

set for hearing next Monday. In de-fault of \$200 bonds Shaw was taken to

LATE LOCAL NEWS.

The reception to Elder Robert H. Siddoway takes place in the Second

MOFFAT,-At Vernal, Utah, April 5,

ward meeting house tonight. A cellent program will be rendered.

the county fail.

cision of district courts in cases ap-

by the Supreme Court today.

PREACHING AND PUBLIC SPEAKING." The application of Lars Hansen for a writ of certiorari and order to show

returning from Conferer

Of the 5,000 copies of this popular book published last year only three at ordinary agencies for Church publications. Your local agent will order the book for you or it will be sent posted from the Deseret News Office. Cloth. \$1.50; Half Morocco, \$2.00.

SUNDAY SCHOOL SUPERINTENDES Talmage's new Ch call at the "News" office and obtain the

STOCKS, INVESMIENTS AND BONDS.

in cases appealed from the justices of the peace when the district courts ex-Utah Bank and Commercial Stocks of other high grade investment security bought and sold. Loans on Stocks Diries paying stocks bought and sold. Investment orders from institutions, trustees of essential control of the ceed their jurisdiction and fail to do substantial justice. The court further finds that the district did not exceed its Hansen vs Anderson and therefore grants the motion to quash the writ. The opinion was by District Judge McCarty, Justice Baskin concurring. and capitalists will receive the August and capitalists will receive the August and Court and August and Court and August and August

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session of the unders of six menths from the the place of its delive livery stored by the will be made for the the storage and care stored, and the rea-costs of such sale.

scope vallees. Alice roses, oge sachlack vallees, there boses, the pan. One wash tab. One matter the pan. One wash tab. One overvoit, two casts four coats. One overvoit, two casts four coats. One lady's last usualtes' jackets. One lady's last usualtes' jackets. One lady's last usualtes are last usualtes and last company and las

MADSEN.—Natalia P. Madsen, at the home of her daughter, 754 south Fourth East. Funeral services will be held Wednes-day at 12 o'clock at the Second ward

1900, Hannah A., wife of Robert N. Moffat, and daughter of William R. and Emma Adkins, of Salt Lake, aged Notice of funeral after arrival of

THE RIO GRANDE WESTERN SALESS COMPANY. By Geo. W. Heintz, G. P. & T. &

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COLORED JUROR'S SUIT

Cause of Action Against Juror

Court Holds that Plaintiff Has No

McPherson, the colored man, against Eu McCarrick, came up before Judge It will be remembered that when the obtained in the Benbrook murder trial, McCarrick objected to McPherson sit-

Pherson brought suit against McCar-rick to recover damages alleged to have been sustained by reason of the defendant's action in objecting to his

sustaining the demurrer Judge Cherry held that McPherson was excluded from the jury by order of the court; that although McCarrick may have ob-jected to sit with McPherson, ultimate anel whose presence seemed to the ourt to exercise an influence either or or against the defendant.

McPherson was allowed ten days in which to decide whether he would stand demurrer or file an amended

Pleasant Bank Case.

The opinion was written by Justice Baskin and concurred in by Chief Jus-tice Bartch and Justice Miner.

Ajax Mining Case. Judge Hiles has occupied the Supreme

"Major Schofield has gone up a stream of water a half mile seeing nothing but black sand all the time, ests, but in the southern islands, there of wonderful hard wood. They have enough of it to make the Pullman cars

endants discharged. Mr. Van Cott, who had charge of the

character. We were going up on the mountains eight miles with four big mules and an ambulance, and he kept talking to the mules all the while as though they understeed him. In follow-"Pinafore" was rendered by the Home Operatic company with the usual success at Christensen's hall on Saturday The storm kept many people away but the attendance was still a good one. The cast was the same as Doxey, Mr. Peterson having left to take a position in Park City. Mr. Doxey talking all the time. Addressing the strapping big near wheeler he said: "'Don't you shake your head at me, sir! Don't you tell me you can't pull out of this hole, for I know a damn sight better! You've been in lots of

T. McCan, accused of being intoxicated last Saturday night, stated that it was his first offense. "I have a job your honer, if you will let me go. I was never here before."

"I had taken only one drink because | meeting house.